

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**CRIMINAL JUSTICE**  
**Senator Evers, Chair**  
**Senator Dean, Vice Chair**

**MEETING DATE:** Monday, March 28, 2011

**TIME:** 3:15 —5:15 p.m.

**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building*

**MEMBERS:** Senator Evers, Chair; Senator Dean, Vice Chair; Senators Dockery, Margolis, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1206</b> Negron (Similar H 821)	Eyewitness Identification; Cites this act as the "Eyewitness Identification Reform Act." Requires state, county, municipal, and other law enforcement agencies that conduct lineups to follow certain procedures. Requires the eyewitness to sign an acknowledgement that he or she received the instructions about the lineup procedures from the law enforcement agency. Provides for an alternative method of identification of suspects. Requires the Criminal Justice Standards and Training Commission to specify and approve any alternative method used for eyewitness identification, etc.  CJ      03/28/2011 Fav/CS JU BC	Fav/CS Yeas 4 Nays 1
2	<b>SB 1272</b> Wise (Identical H 611)	Educational Services in DJJ Programs; Provides that adult education general education development test preparation courses and adult education career education courses may be offered as electives to high school level students who have a transition plan that does not include a return to public high school.  CJ      03/28/2011 Favorable HE BC	Favorable Yeas 5 Nays 0
3	<b>CS/SB 734</b> Communications, Energy, and Public Utilities / Wise (Similar H 15)	Assault or Battery on Utility Workers; Defines the term "utility worker." Provides for reclassification of certain offenses against utility workers, etc.  CU      03/07/2011 Fav/CS CJ      03/28/2011 Favorable BC	Favorable Yeas 4 Nays 1

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4	<b>SB 416</b> Bogdanoff (Similar H 163, H 411)	Public Records; Provides an exemption from public records requirements for photographs and video and audio recordings that depict or record the killing of a person. Authorizes access to such photographs or video or audio recordings by specified members of the immediate family of the deceased subject of the photographs or video or audio recordings. Provides for access to such records by local governmental entities or state or federal agencies in furtherance of official duties. Provides for future legislative review and repeal of the exemption, etc.  CJ 03/28/2011 Fav/CS JU GO	Fav/CS Yeas 5 Nays 0
5	<b>SB 458</b> Hill (Identical H 193)	Administrative Expunction of Arrest Records; Deletes language pertaining to discretion of a law enforcement agency as to whether to apply to the Department of Law Enforcement for the administrative expunction of any nonjudicial record of any arrest of a minor or an adult who is subsequently determined to have been arrested contrary to law or by mistake. Provides for application for such expunction by the arrestee, or parent or legal guardian of a minor child arrestee, in the absence of such a determination by the law enforcement agency without the endorsement of the request by the agency, etc.  CJ 03/28/2011 Favorable JU BC	Favorable Yeas 5 Nays 0
6	<b>SB 488</b> Fasano (Compare CS/H 251)	Sexual Offenses; Permits admission of evidence of the defendant's commission of other crimes of a sexual nature in a criminal case in which the defendant is charged with a crime of a sexual nature. Requires that any property or material that constitutes child pornography and that is used in a criminal proceeding remain in the care, custody, and control of the law enforcement agency, state attorney, or court. Authorizes relocation assistance awards to victims of sexual violence, etc.  CJ 03/28/2011 Fav/CS JU HR BC	Fav/CS Yeas 5 Nays 0

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7	<b>SB 494</b> Fasano (Identical H 265)	Sexual Offenders and Predators; Requires a court considering whether to release a defendant on bail to determine whether the defendant is subject to registration as a sexual offender or predator and, if so, to hold the defendant without bail until the first appearance on the case.  CJ 03/28/2011 Favorable JU BC	Favorable Yeas 4 Nays 1
8	<b>SB 714</b> Margolis (Identical H 247)	Disabled Parking Permits; Provides for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities. Revises requirements for renewal or replacement of a disabled parking permit. Prohibits applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit, etc.  TR 03/09/2011 Favorable CJ 03/28/2011 Favorable BC	Favorable Yeas 5 Nays 0
9	<b>SB 746</b> Altman (Similar CS/H 105)	Open House Parties; Provides that a person who violates the open house party statute a second or subsequent time commits a misdemeanor of the first degree. Provides that a person commits a misdemeanor of the first degree if the violation of the open house party statute causes or contributes to causing serious bodily injury or death. Provides criminal penalties.  RI 03/09/2011 Favorable CJ 03/28/2011 BC	Amendment Adopted - Temporarily Postponed
10	<b>SB 794</b> Diaz de la Portilla (Compare H 897)	Drug Abuse Prevention and Control; Adds transactions of a controlled substance near a homeless shelter to the list of prohibited acts.  CJ 03/28/2011 Fav/CS CF BC	Fav/CS Yeas 5 Nays 0

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11	<b>SB 1146</b> Sachs (Identical H 91)	Drug-related Overdoses; Provides that a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for specified offenses in certain circumstances. Provides that a person who experiences a drug-related overdose and needs medical assistance may not be charged, prosecuted, or penalized for specified offenses in certain circumstances, etc.  CJ 03/28/2011 Fav/1 Amendment HR JU BC	Fav/1 Amendment (789392) Yeas 5 Nays 0
12	<b>SB 1226</b> Joyner	Health Care Fraud; Revises the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and refuse to issue or renew a license, certificate, or registration of a health care practitioner. Provides an exception. Requires the department to adopt rules.  HR 03/14/2011 Favorable CJ 03/28/2011 Fav/CS BC	Fav/CS Yeas 5 Nays 0
13	<b>SB 1334</b> Bogdanoff (Compare CS/H 917, S 1798)	Sentencing of Inmates; Removes all references to imposing mandatory minimum sentences for defendants convicted of trafficking in controlled substances. Directs the DOC to develop and administer a reentry program for nonviolent offenders which is intended to divert nonviolent offenders from long periods of incarceration. Requires that the program include intensive substance abuse treatment and rehabilitative programming. Authorizes the DOC to enter into contracts with qualified individuals, agencies, or corporations for services for the reentry program, etc.  CJ 03/28/2011 Fav/CS JU BC	Fav/CS Yeas 5 Nays 0

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14	<b>SB 1390</b> Dockery	<p>Supervised Reentry Programs for Inmates; Provides legislative intent to encourage the Department of Corrections, to the extent possible, to place inmates in the community to perform paid employment for community work. Provides that an inmate may leave the confinement of prison to participate in a supervised reentry program in which the inmate is housed in the community while working at paid employment or participating in other programs that are approved by the department. Requires the inmate to live at a department-approved residence while participating in the supervised reentry program, etc.</p> <p>CJ 03/28/2011 Favorable BC</p>	Favorable Yeas 5 Nays 0
15	<b>SB 1850</b> Evers (Similar H 1233, Compare CS/S 618)	<p>Juvenile Justice; Includes children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services. Encourages law enforcement agencies, school districts, counties, municipalities, and the Department of Juvenile Justice to establish prearrest or postarrest diversion programs and to give first-time misdemeanor offenders and offenders who are 9 years of age or younger an opportunity to participate in the programs, etc.</p> <p>CJ 03/28/2011 Favorable CF BC</p>	Favorable Yeas 5 Nays 0
16	<b>SB 372</b> Bogdanoff (Similar H 1379)	<p>Pretrial Programs; Requires each pretrial release program established by ordinance of a county commission, by administrative order of a court, or by any other means in order to assist in the release of a defendant from pretrial custody to conform to the eligibility criteria set forth by the act. Preempts any conflicting local ordinances, orders, or practices. Requires that the defendant satisfy certain eligibility criteria in order to be assigned to a pretrial release program, etc.</p> <p>CJ 03/22/2011 Temporarily Postponed CJ 03/28/2011 Not Considered JU BC</p>	Not Considered